HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 11530 of 1998

Dated 23rd April, 2007

Between

Sri Shirdi Saibaba Anantapur New Town Retail Vegetable Merchants Association, rep. By its Vice President N.Venkatesu, Anantapur

…Petitioner

and

The Commissioner, Anantapur Municipality, Anantapur

…Respondent.

THE HONOURABLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION No. 11530 OF 1998

ORDER:

A retail vegetable merchants Association , at Anantapur has filed this Writ Petition seeking Writ of Mandamus to declare the action of the respondent in proposing to evict the members of the said association from new vegetable market situated near clock tower, Anantapur without constructing a new market as illegal and arbitrary.

In the affidavit filed in support of the Writ Petition it is stated that the members of the petitioner-association are doing business in vegetables and initially they were doing business near the clock tower- which was converted to vegetable market. It is further stated that the respondent had constructed 52 shops and were given on lease to the members of the petitioner-association for running business. It is the grievance of the petitioner that though such leases are in force, the Chairman of the Municipality has issued a paper statement stating that the members of the petitioner-association will be evicted from the premises and a multi storied complex would be constructed in that place. In the said context, it is alleged that they have already leases and unless prior notices

are issued to them, no steps can be taken to evict them from the occupation of the shops where they are doing business in vegetables.

Though the Writ Petition is of the year 1998, no counter affidavit is filed on behalf of the respondent. But at the same time, it is to be seen, except mere apprehension of the petitioner-association based on the statement given by the Chairman of the respondent-Municipality, there is no basis for filing this Writ Petition and even a copy of such statement is not filed. Further, there is no other supporting material for the apprehension of the petitioner-association. It is further to be noted that even particulars of leases of the members of the petitioner-association are not furnished. In that view of the matter, In absence of any supporting material to form basis for such apprehension and particulars of the leases, I do not find any valid ground for grant of relief as prayed for.

The Writ Petition is devoid of merits and is accordingly dismissed. No order as to costs.

23rd April, 2007.

Msnr.